

REC'D 12 AUG '11 09:46 USDC ORP

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

11-CR-283-BR

v.

DARRYL JAMES SWANSON,

Defendant.

**ORDER DETERMINING MENTAL
INCOMPETENCY OF DEFENDANT
UNDER 18 U.S.C. § 4241
AND COMMITMENT TO CUSTODY
OF ATTORNEY GENERAL**

This case came before the court on August 11, 2011, for a hearing to determine the competency of defendant pursuant to 18 U.S.C. § 4241. Defendant was personally present in custody with his attorney, Steven T. Wax. The United States appeared through Assistant United States Attorney Stephen F. Peifer.

The court received the forensic evaluation of defendant dated August 5, 2011, submitted by Dr. Les Goldmann, Ph.D. Based upon Dr. Goldmann's report, and having heard the statements of the parties, the court hereby **FINDS** by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.


It is therefore **ORDERED** that, pursuant to 18 U.S.C. § 4241(d)(1) defendant shall be committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will obtain the capacity to permit any trial and other proceedings to take place.

IT IS ORDERED that the Bureau of Prisons shall submit to the court no later than December 5, 2011, a written report on whether there is a substantial probability that in the foreseeable future defendant will obtain the capacity to permit any trial or other proceedings to take place.

IT IS FURTHER ORDERED that the U.S. Marshal shall forthwith transport defendant to a suitable facility designated by the Attorney General for hospitalization and treatment in compliance with this order.

The court further **FINDS** that any period of delay occasioned by this order shall be considered excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO ORDERED this 12th day of August 2011.



THE HONORABLE ANNA J. BROWN
United States District Judge

Presented by:

DWIGHT C. HOLTON
United States Attorney
District of Oregon



STEPHEN F. PEIFER, OSB #74252
Assistant United States Attorney